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CRITIQUE ON RECORDING DATA CONCERNING CRIMINALS

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To a student dealing with the practical aspects of criminalism it appears quite patent that almost no assistance towards solutions, general or in the individual case, is to be derived from the type of data officially recorded concerning criminals. And not only in the attempt to discern actual means of halting or forfending criminal careers is this inefficiency of accumulated fact perceived, but also it is evident that the people of the law, whether engaged in the administration of police, penal or court affairs, feel themselves in nowise influenced by the statement of collected figures. In fact the criminal law itself has not been modified to an appreciable extent by any growth of learning or experience that one might expect to find centering about actual observation in its own field. In this certainly there is wide divergence from latter-day advance in other arts, sciences and professions.

This astonishing lack of impulse to progression from observational data does not characterize our country alone. The German scholarship which in recent years has been deeply concerned with proposed reform of the entire criminal code, finds almost no reason to even refer to such data as may be found, and the discussion still nearly all turns upon theoretical considerations—it is the philosophy of ethics, of crime, of punishment, even as conceived by the ancients, which is thrashed over and over. The fact is that data at all adequate for showing the road to better things, notwithstanding European supremacy in statistics, are still lacking, there as here.

One might well consider if our remarkable national innocence of criminal statistics is not considerably due to a vague, half-formulated and rather shrewd conception of *cui bono*. We have not been so slow about undertaking studies of many other matters of public welfare, or of vastly less costly departments of governmental administration. Realized or not, however, it is the truth that the collection of mere general figures concerning conclusions leads almost no distance along

the road to betterment of the situation. Since nationally we have nothing but the barest census statistics—those only by decades—and nothing much better in local reports, let us look at the carefully worked-up English judicial statistics, readily obtainable by all readers, and published for each year. There we find matters set forth which ought to arouse immense public interest, but yet which entirely fail to do so. Partly, one might think, because of no showing that things are not as they have been for generations past, but probably mostly because the figures do not show the slightest indication of any solution of the difficulty, such as at least might be suggested by comparative statistics relating to labor, agriculture, transportation, and so on.

Letting alone the collection of figures in this *Blue Book* by localities and courts and months and crimes, which cover many large pages, and which are of use, if at all, mostly for administrative adjustment, some larger issues are clearly presented. Take the question of *recidivism*, to my mind one of the three or four cardinal points of criminalism. We have this set forth in startling array, and as we would like to see it worked up for America. But what does this recidivism mean, and from these naked statistics what possible clue is there to what can be done about it?

From such figures questions of efficiency may well be raised, efficiency of court procedure, of penal and reformatory institutions. Of course it is on just such statistics as these—20 per cent of 168,000 prisoners convicted upwards of ten times previously—that efficiency studies may be urged, but no fair answer is in anywise forthcoming from the mere statement. Take your Elmira Reformatory “graduates,” and study the outcome of efforts made during their institutional life. What do individual findings or total figures mean, if no account is taken of causes of either earlier or later success or failure, if no estimation is made of the qualities of the human material that was treated? No judgment in the realms of criminology is possible without knowledge of mental and physical capacities and stresses, as well as the bare facts of law breaking.

Fundamental for the development of that systematic recording of data concerning criminals which shall prove really valuable in indicating any way out of the costly failure of our present methods, is the assuming of a business-like and scientific attitude towards the whole matter. Where such tremendously varying units are the ac-

tive members producing the given result, the individual characteristics and possibilities of groups into which they may be classified must be made the subject of study, if one is to determine the cause and probability of success or failure. This is the method of today in scientific and industrial fields. The fact of failure and cost we know, not so well as we should know it if we had statistics, but the bare fact affords only a peep into the problem.

If we made a business-like approach to criminalism we should first ascertain who and what proportion among criminals have the innate ability to meet ordinary social conditions without falling by the wayside, and who have not. Then proceeding from that practical line of demarcation, all sorts of studies might be made of why those fail who have the innate capacity to succeed; and, particularly, inquiry might be made concerning what might be done about individuals or groups to prevent or deter. If England, for example, was to undertake such a studious survey of the individuals who make up its criminal class, and particularly its youngest offenders—following in this the recent recommendations of Goring and Ruggles-Brise, based on the splendid scientific work of the former, who shows the emptiness of considering the criminal as a type—it would do more to show the way to clearing the courts than centuries of yearly presentation of statistics.

What is needed to be known about criminalism is causes, and these are only to be ascertained by individual study. Causes in general have been theorized over, and all to little end. Seeing through the futility of theory, and dogma, and laws based on ancient preconceptions, we can only look forward to development of a scientific study of the salient particulars of criminal genetics as they may be actually found in the lives of men, especially through the sizing up of the criminal himself.

Nothing can possibly be of such value for the establishment of sound general social measures, doing justice to the offender and protecting society, as these estimations of the essentials of the problem, which even common sense would seem to dictate.

If data are worth accumulating at all they should bear practical fruit. To go on getting the type of facts that have thus far been officially registered, simply because they can be fairly readily obtained, irrespective of any ultimate value, is an archaic proceeding long proved unavailing in this field. More facts on the same lines

is heaping Pelion on Ossa—it is a new type of fact that the situation demands. Careful research is required and there perhaps rests the crux of the situation.

At the time of our developing, four years ago, a schedule for recording data (for the purposes of our own institute primarily, and then as a bulletin widely distributed by the American Institute of Criminal Law and Criminology) we could find no center where facts adequate for the understanding of individual cases and causes were being registered. At present there are a number of places in this country where studies concerning individuals and genetics are being gradually accumulated, but the public demand for such has not awakened. In a second bulletin issued last year by the same American institute, in which we dealt with the more practical phases of recording data, the problem of uniformity of record was discussed. Until the need of making adequate studies of offenders and causes is realized there can be no uniformity—not even a minimum schedule will be of use, for no statement can sufficiently explain for practical adjustments, which does not include competent estimation of the capacities of the individual.

We have been purposely avoiding in this discussion the important recording of data for identification. That belongs to another field; it is first of all a police affair, but it inevitably underlies the development of much scientific and reformatory work. Your intelligent professional criminal will tell you this, and that the situation, as far as society *vs.* the professional is concerned, is largely impotent, because he is today one man in Illinois and another in Pennsylvania tomorrow, and no one is the wiser.

One of the best representatives of this professional class of students of practical criminalistic affairs, asserts confidently that until the central government undertakes thoroughly to study criminalism, and to record important data thereupon, neither constructive nor disciplinary measures effective enough markedly to mitigate many types of criminalism will be possible. This is also our opinion.